

ARTICLE 6 – EARLY COMPLAINT RESOLUTION PROCESS

Section 1 – Introduction

The following represents the policy framework for the early resolution of complaints with respect to the data integrity of the PropTx MLS® System.

The Early Complaint Resolution (“**ECR**”) Process is intended to:

1. Standardize the protocol undertaken by Association Staff when contacting Members with a request to take corrective action; and
2. Increase efficiencies and reduce costs (a benefit for both staff and the Membership) by minimizing the volume of breaches of the MLS® Rules related to data integrity cases escalated through the Professional Standards process.

The ECR Process is limited to the following:

MLS® Rules: 3.01, 3.04, 3.05, 3.06, 3.07, 3.08, 3.10, 3.13, 3.16, 3.17, 3.20, 4.02 and 5.01

CREA Rule: 11.2.1.3, and 11.3.4

The Policy does not cover:

- i. Any Rule/Policy/CREA Rule not noted above
- ii. Matters that have been referred to the Professional Standards Roster under the authority of Article 4 of these APS Policies

Section 2 – Early Complaint Resolution Process

1. Stage 1: Initial Notice

Where it is determined that an identifiable infraction of the applicable rules is present, an email notice (“**1st Notice**”) will be sent to the Broker of Record **and** Listing Salesperson(s)/Broker(s), **and** Manager located within the office of the Listing Salesperson(s)/Broker(s), if applicable to the email registered with the Association. Where there are multiple Managers within the same Brokerage office, the Association will select the first Manager listed within its Membership Database.

The 1st Notice will indicate (i) the nature of the complaint; (ii) the required steps to correct the infraction; and (iii) provide a one (1) Business Day deadline for compliance.

a. If the MLS® Listing Is Rectified

If the matter is rectified by the User, no further action will be taken by the Association and the file will be closed.

b. If the MLS® Listing Is Not Rectified

- i. If corrective action is not completed by the deadline and the Listing Salesperson(s) has not received a second notice for the same Rule in a two (2) year period, a second notice (“**2nd Notice**”) will be sent in accordance with Stage 2 below.

- ii. If corrective action is not completed by the deadline and the Listing Salesperson(s) has received a second Notice for the same Rule in a two (2) year period, the Member(s) will be referred directly to the Professional Standards Roster.

2. Stage 2: 2nd Notice and Warning

Where it is determined that a complaint can be rectified (previously unrectified 1st Notice) and the Listing Salesperson has not been put on 2nd Notice by the Association within the two (2) year period for the same rule, an Association Staff Member will contact the Respondent by email and provide one (1) additional day to take corrective action. The 2nd Notice will include a notification that failure to comply by the deadline will result in the immediate application of the applicable Special Administrative Penalty.

The email shall be directed to the same recipients and convey (i) the nature of the complaint; (ii) the required steps to correct the infraction; and (iii) provide a one (1) Business Day deadline for compliance.

Of note, in all cases, the Association Staff shall only speak with the individual(s) that is/are party to the complaint (i.e., Listing Salesperson, Broker of Record or Authorized Designate to the Broker of Record).

- i. **If the MLS® Listing Is Rectified**

If the matter is rectified by the Member, no further action will be taken by the Board and the file will be closed.

- ii. **If the MLS® Listing Is Not Rectified**

If corrective action is not completed by the deadline, the listing will be subject to the applicable Special Administrative Penalty.

3. Stage 3: Non-Compliance with Special Administrative Penalty and/or Corrective Action

When the Special Administrative Penalty is sent, the Respondent will be provided with seven (7) days to either comply or appeal the decision of the Chair.

- i. **Appeal of Special Administrative Penalty:** A formal appeal will initiate the complete Professional Standards Process in accordance with Article 4.

- ii. **Non-compliance and no Appeal:** Should the Respondent neither comply with the Special Administrative Penalty nor submit a request for referral to the Professional Standard Roster by the deadline, the Respondent's Membership will be *suspended* until compliance is achieved in full. If compliance with the Special Administrative Penalty has not been achieved by the time the next year's Membership fees are due, the Respondent's Membership with the Association will be terminated.

Section 3 – Final Notice

For repeat offenders, a Final Notice will be delivered when three (3) total Notices have been delivered in a two (2) year period for the same rule. Thereby, any future DIS Complaints will not be subject to the ECR Process and will be directed for review by the Professional Standards Roster under Article 4.